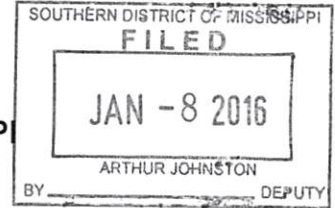


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION



KIMLY COLEMAN SMITH

PLAINTIFF

v.

CIVIL ACTION NO. 3:16-cv-9 HTW-LRA

CORRECTIONS CORPORATION OF AMERICA, LLC
a/k/a TALLAHATCHIE CORRECTIONAL FACILITY

DEFENDANTS

COMPLAINT
JURY TRIAL DEMANDED

COMES NOW the Plaintiff, Kimly Coleman Smith, by and through counsel, Watson & Norris, PLLC, and files this action to recover damages for violations of her rights under Title VII and 42 U.S.C. §1981. In support of this cause, the Plaintiff would show unto the Court the following facts to-wit:

THE PARTIES

1. Plaintiff, Kimly Coleman Smith is an adult African American female who resides in Leflore County, Mississippi with an address of P. O. Box 961, Itta Bena, MS 38941.

2. Defendant, Corrections Corporation of America, LLC, a/k/a Tallahatchie Correctional Facility, is a foreign corporation doing business in Mississippi and may be served with process through its registered agent: C T Corporation System, 645 Lakeland East Drive, #101, Flowood, MS 39232

JURISDICTION AND VENUE

3. This Court has federal question jurisdiction and venue is proper in this court.

4. Plaintiff timely filed a request for a Charge of Discrimination with the

EEOC on December 31, 2014, a true and correct copy of which is attached as Exhibit "A." A copy of the Notice of Charge of Discrimination from the EEOC is attached as Exhibit "B." Plaintiff received a Notice of Right to Sue on November 17, 2015, a true and correct copy of which is attached as Exhibit "C."

5. Plaintiff timely filed a Second Charge of Discrimination with the EEOC on March 4, 2015, a true and correct copy of which is attached as Exhibit "D." Plaintiff received a Notice of Right to Sue on November 17, 2015, a true and correct copy of which is attached as Exhibit "E."

6. Plaintiff timely files this cause of action within the appropriate statute of limitations for claims arising under Title VII and 42 U.S.C. § 1981.

STATEMENT OF FACTS

5. Plaintiff, a black female, began working for Defendants in July 2005 and held the title of Unit Manager.

6. In early 2014, Plaintiff informed Warden Fred Figueroa, Leroy Pitts, Assistant Warden and Kenneth Little, Chief that her two Case Managers, Lillie Hazzard and Roberta Love were insubordinate and would not follow her directions.

7. Since that time, Warden Figueroa harassed Plaintiff and undermined her authority in front of other department heads and her subordinates.

8. On September 8, 2014, Plaintiff filed an internal race discrimination complaint against Warden Figueroa.

9. In retaliation, Warden Figueroa refused to approve Plaintiff's request for 2 weeks' time off to take care of her elderly mother who was undergoing surgery.

10. Louis Rosa, Chief, wrote up Plaintiff for attendance issues. Prior to her complaint of race discrimination, Plaintiff had no disciplinary action regarding her attendance, behavior or performance.

11. On February 6, 2015, Warden Figueroa abruptly terminated Plaintiff while she was on FMLA leave, alleging she endangered the safety of an employee.

CAUSES OF ACTION

COUNT I - VIOLATION OF TITLE VII AND 42 U.S.C. 1981 – RACE DISCRIMINATION

12. Plaintiff re-alleges and incorporates all averments set forth in paragraphs 1 through 11 above as if fully incorporated herein.

13. The Defendants violated Title VII and 42 U.S.C. 1981 by allowing their employee, Fred Figueroa, to discriminate against Plaintiff based on her race. Plaintiff is African American; thus, she is protected against discrimination on the basis of her race. Plaintiff was more than qualified for the position she held and had no disciplinary actions in her personnel file until she complained of racial discrimination. Plaintiff suffered an adverse employment decision in that she was terminated from employment with Defendant.

14. The unlawful actions of the Defendant complained of above were intentional, malicious, and taken in reckless disregard of the statutory rights of Plaintiff.

COUNT II – VIOLATION OF TITLE VII AND 42 U.S.C. 1981 - RETALIATION

15. Plaintiff re-alleges and incorporates all averments set forth in paragraphs 1 through 14 above as if fully incorporated herein.

16. After Plaintiff made her complaint regarding the racial discrimination of Fred Figueroa, the Defendants condoned and permitted unlawful retaliation against

Plaintiff by allowing Fred Figueroa to intimidate and harass Plaintiff and, ultimately, to terminate Plaintiff.

17. Plaintiff has been harmed as a result of this retaliation, and the Defendants are liable to Plaintiff for the same.

18. The acts of the Defendants constitute a willful intentional violation of Title VII and 42 U.S.C. § 1981 and entitle Plaintiff to recovery of damages, both compensatory and punitive in nature.

COUNT III - FMLA DISCRIMINATION & RETALIATION

19. Plaintiff re-alleges and incorporates all averments set forth in paragraphs 1 through 18 above as if fully incorporated herein.

20. Plaintiff was unlawfully discriminated and retaliated against by being terminated while she was on FMLA leave.

21. Plaintiff has been harmed as a result of this retaliation, and the Defendants are liable to Plaintiff for the same.

PRAYER FOR RELIEF

WHEREFORE PREMISES CONSIDERED, Plaintiff respectfully prays that upon hearing of this matter by a jury, the Plaintiff be granted the following relief in an amount to be determined by the jury:

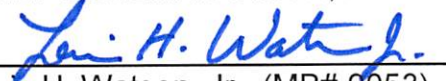
1. Back wages or reinstatement; or
2. Future wages in lieu of reinstatement;
3. Compensatory damages;
4. Liquidated damages;
5. Punitive damages;
6. Attorney's fees;
7. Costs and expenses; and
8. Such further relief as is deemed just and proper.

THIS the 7th day of January 2016.

Respectfully submitted,

KIMLY COLEMAN SMITH, PLAINTIFF

By:


Louis H. Watson, Jr. (MB# 9053)
Nick Norris (MB# 101574)
Attorneys for Plaintiff

OF COUNSEL:

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